

AMENDED IN SENATE MAY 26, 2006  
AMENDED IN SENATE APRIL 27, 2006  
AMENDED IN SENATE APRIL 17, 2006  
AMENDED IN SENATE MARCH 27, 2006

**SENATE BILL**

**No. 1231**

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**Introduced by Senators Dunn, Bowen, and Kuehl**

(Coauthors: Assembly Members Evans, Jones, Laird, and Lieber)

February 6, 2006

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An act to amend ~~Sections 18400.1, 18400.3, and 18502 of, and to repeal Section 18424~~ *Section 18400.3 of, and to amend and repeal Sections 18400.1, 18424, and 18502* of, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, as amended, Dunn. Mobilehomes: park inspections.

(1) The Mobilehome Parks Act regulates the conditions in mobilehome parks and special occupancy parks, as defined, and, until January 1, 2007, requires the Department of Housing and Community Development, and local government entities that assume enforcement duties, to inspect the parks pursuant to specified criteria and to issue notices of violations. Existing law, until January 1, 2007, establishes a fee structure for permits for constructing and operating mobilehome parks and special occupancy parks and provides a different fee structure to take effect on and after January 1, 2007. *The existing fee structure requires, except for a special occupancy park, an additional annual fee of \$4 per lot and requires this additional \$4 fee to be used exclusively for the inspection of mobilehome parks and mobilehomes.*

This bill would ~~permanently~~ extend the operation of the provisions described above *to January 1, 2014*. The bill *would increase the \$4 fee to \$6 and* would also revise an element of the inspection criteria for parks and require the department to submit specified reports to the Legislature every 5 years.

(2) The Mobilehome Parks Act also requires the Department of Housing and Community Development to convene a specified task force at least once a year to provide input to the department on the conduct and operation of the mobilehome park maintenance inspection program.

This bill would instead require the task force to meet at least twice a year and would require its input to the department on the conduct and operation of the mobilehome park maintenance inspection program to include, but not be limited to, frequency of inspection, program formation, and recommendations for program changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 18400.1 of the Health and Safety Code  
2 is amended to read:

3 18400.1. (a) In accordance with subdivision (b), the  
4 enforcement agency shall enter and inspect mobilehome parks, as  
5 required under this part, at least once every seven years, to ensure  
6 enforcement of this part and the regulations adopted pursuant to  
7 this part. The enforcement agency's inspection shall include an  
8 inspection of the exterior portions of individual manufactured  
9 homes and mobilehomes in each park inspected. Any notices of  
10 violation of this part shall be issued pursuant to Chapter 3.5  
11 (commencing with Section 18420).

12 (b) In developing its mobilehome park maintenance inspection  
13 program, the enforcement agency shall inspect the mobilehome  
14 parks that the enforcement agency determines either:

15 (1) Had the most serious, or a substantial number of serious,  
16 health and safety violations as a result of past enforcement  
17 agency inspections of the parks.

18 (2) Have complaints that have been made to the enforcement  
19 agency regarding serious health and safety violations in the park.  
20 A single complaint of a serious health and safety violation shall

1 not automatically trigger an inspection of the entire park unless  
2 upon investigation of that single complaint the enforcement  
3 agency determines that there is a violation and that an inspection  
4 of the entire park is necessary.

5 (c) Nothing in this part shall be construed to allow the  
6 enforcement agency to issue a notice for a violation of existing  
7 laws or regulations that were not violations of the laws or  
8 regulations at the time the mobilehome park received its original  
9 permit to operate, or the standards governing any subsequent  
10 permit to construct, or at the time the manufactured home or  
11 mobilehome received its original installation permit, unless the  
12 enforcement agency determines that a condition of the park,  
13 manufactured home, or mobilehome endangers the life, limb,  
14 health, or safety of the public or occupants thereof.

15 (d) Not less than 30 days prior to the inspection of a  
16 mobilehome park under this section, the enforcement agency  
17 shall provide individual written notice of the inspection to the  
18 registered owners of the manufactured homes or mobilehomes,  
19 with a copy of the notice to the occupants thereof, if different  
20 than the registered owners, and to the owner or operator of the  
21 mobilehome park and the responsible person, as defined in  
22 Section 18603.

23 (e) At the sole discretion of the enforcement agency's  
24 inspector, a representative of either the park operator or the  
25 mobilehome owners may accompany the inspector during the  
26 inspection if that request is made to the enforcement agency or  
27 the inspector requests a representative to accompany him or her.  
28 If either party requests permission to accompany the inspector or  
29 is requested by the inspector to accompany him or her, the other  
30 party shall also be given the opportunity, with reasonable notice,  
31 to accompany the inspector. Only one representative of the park  
32 owner and one representative of the mobilehome owners in the  
33 park may accompany the inspector at any one time during the  
34 inspection. If more than one representative of the mobilehome  
35 owners in the park requests permission to accompany the  
36 inspector, the enforcement agency may adopt procedures for  
37 choosing that representative.

38 (f) The enforcement agency shall coordinate a preinspection  
39 orientation for mobilehome owners and mobilehome park  
40 operators with the use of an audiovisual presentation furnished

1 by the department to affected local enforcement agencies.  
2 Enforcement agencies shall furnish the audiovisual presentation  
3 to park operators and mobilehome owner representatives in each  
4 park subject to inspection not less than 30 days prior to the  
5 inspection. Additionally, it is the Legislature's intent that the  
6 department shall, where practicable, conduct live presentations,  
7 forums, and outreach programs throughout the state to orient  
8 mobilehome owners and park operators on the mobilehome park  
9 maintenance inspection program and their rights and obligations  
10 under the program.

11 (g) Any local enforcement agency that relinquishes  
12 enforcement authority to the department shall remit to the  
13 department fees collected pursuant to paragraph (2) of  
14 subdivision (c) of Section 18502 that have not been expended for  
15 purposes of that paragraph.

16 (h) The department shall report every five years to the  
17 Legislature on the status of mobilehome park inspections for the  
18 previous five-year period. The department shall submit its first  
19 report to the Legislature by December 31, 2007. The reports shall  
20 include, but not be limited to, information on the total number of  
21 parks and spaces in the state, the number of parks and spaces that  
22 have been inspected, the number of notices of violations issued to  
23 park operators, the number of notices of violations issued to  
24 mobilehome owners, the number of violations that have been  
25 corrected and that remain uncorrected at the end of the five-year  
26 period, the amount of the fees collected and expended for  
27 purposes of the inspection program, and recommendations for  
28 legislative changes to the inspection program made in  
29 consultation with the task force established pursuant to Section  
30 18400.3.

31 (i) *This section shall remain in effect only until January 1,*  
32 *2014, and as of that date is repealed, unless a later enacted*  
33 *statute, that is enacted before January 1, 2014, deletes or extends*  
34 *that date.*

35 SEC. 2. Section 18400.3 of the Health and Safety Code is  
36 amended to read:

37 18400.3. (a) The department shall convene a task force of  
38 representatives of mobilehome owners, mobilehome park  
39 operators, local enforcement agencies that conduct mobilehome  
40 park inspections, and the Legislature, at least twice a year, to

1 provide input to the department on the conduct and operation of  
2 the mobilehome park maintenance inspection program,  
3 including, but not limited to, frequency of inspection, program  
4 information, and recommendations for program changes.

5 (b) The Senate Committee on Rules and the Assembly  
6 Committee on Rules shall each designate a member of its  
7 respective house to be a member of the task force. Each  
8 legislative member of the task force may designate an alternate to  
9 represent him or her at task force meetings.

10 (c) With the input of the task force, the department may  
11 reorganize violations under this part and the regulations adopted  
12 pursuant to this part into the following two categories:

13 (1) Those constituting imminent hazards representing an  
14 immediate risk to life, health, and safety and requiring immediate  
15 correction.

16 (2) Those constituting unreasonable risk to life, health, or  
17 safety and requiring correction within 60 days.

18 (d) Any matter that would have constituted a violation prior to  
19 January 1, 2000, that is not categorized in accordance with  
20 subdivision (c) on or after January 1, 2000, shall be of a minor or  
21 technical nature and shall not be subject to citation or notation on  
22 the record of an inspection conducted on or after January 1, 2000.

23 ~~SEC. 3. Section 18424 of the Health and Safety Code is~~  
24 ~~repealed.~~

25 *SEC. 3. Section 18424 of the Health and Safety Code is*  
26 *amended to read:*

27 18424. This chapter shall remain in effect only until January  
28 1, ~~2007~~ 2014, and as of that date is repealed, unless a later  
29 enacted statute, which is enacted before January 1, ~~2007~~ 2014,  
30 deletes or extends that date.

31 SEC. 4. Section 18502 of the Health and Safety Code, as  
32 amended by Section 22 of Chapter 434 of the Statutes of 2001, is  
33 amended to read:

34 18502. Fees as applicable shall be submitted for permits:

35 (a) Fees for a permit to conduct any construction subject to  
36 this part as determined by the schedule of fees adopted by the  
37 department.

38 (b) Plan checking fees equal to one-half of the construction,  
39 plumbing, mechanical, and electrical permit fees, except that the  
40 minimum fee shall be ten dollars (\$10).

1 (c) (1) An annual operating permit fee of twenty-five dollars  
2 (\$25) and an additional two dollars (\$2) per lot.

3 (2) An additional annual fee of ~~four dollars (\$4)~~ *six dollars*  
4 *(\$6)* per lot shall be paid to the department or the local  
5 enforcement agency, as appropriate, at the time of payment of the  
6 annual operating fee. All revenues derived from this fee shall be  
7 used exclusively for the inspection of mobilehome parks and  
8 mobilehomes to determine compliance with the Mobilehome  
9 Parks Act (Part 2.1 (commencing with Section 18200)) and any  
10 regulations adopted pursuant to the act.

11 (3) The Legislature hereby finds and declares that the health  
12 and safety of mobilehome park occupants is a matter of public  
13 interest and concern and that the fee paid pursuant to paragraph  
14 (2) shall be used exclusively for the inspection of mobilehome  
15 parks and mobilehomes to ensure that the living conditions of  
16 mobilehome park occupants meet the health and safety standards  
17 of this part and the regulations adopted pursuant thereto.  
18 Therefore, notwithstanding any other provisions of law or local  
19 ordinance, rule, regulation, or initiative measure to the contrary,  
20 the holder of the permit to operate the mobilehome park shall be  
21 entitled to directly charge one-half of the per lot additional  
22 annual fee specified herein to each homeowner, as defined in  
23 Section 798.9 of the Civil Code. In that event, the holder of the  
24 permit to operate the mobilehome park shall be entitled to  
25 directly charge each homeowner for one-half of the per lot  
26 additional annual fee at the next billing for the rent and other  
27 charges immediately following the payment of the additional fee  
28 to the department or local enforcement agency.

29 (d) Change in name fee or transfer of ownership or possession  
30 fee of ten dollars (\$10).

31 (e) Duplicate permit fee or amended permit fee of ten dollars  
32 (\$10).

33 *(f) This section shall remain in effect only until January 1,*  
34 *2014, and as of that date is repealed, unless a later enacted*  
35 *statute, that is enacted before January 1, 2014, deletes or extends*  
36 *that date.*